



COMMONWEALTH'S ATTORNEY NEWS RELEASE

FOR IMMEDIATE RELEASE - FEBRUARY 27, 2009

On December 12, 2008 at approximately 10:17 a.m., Salem 911 received a call regarding an accident at the intersection of Roanoke Blvd. and Hemlock Rd., reporting a van had struck a pedestrian. Lieutenant C.W. King arrived at 10:21 and observed the victim, Eva Marie Johnson, lying in the street with an apparent injury to her head. EMS responded and transported Ms. Johnson to Roanoke Memorial Hospital with injuries to her head and left leg. The driver of the van was identified as Philip Henry Peterson. At 1:58 pm. Ms. Johnson died as a result of closed-head trauma shortly after surgery. Salem Police began an investigation led by Sgt. T. B. Carroll, Sr.

Sgt. Carroll interviewed the only independent witness to the incident. The witness indicated that he was standing behind the victim near a grassy area adjacent to Roanoke Blvd. He observed the van pull up to the intersection of Hemlock Rd. and Roanoke Blvd. with its right turn signal on and make a brief or rolling stop at the intersection. The witness indicated that the driver of the van looked toward him and Ms. Johnson then made a right turn onto Roanoke Blvd. As Mr. Peterson began making his turn, the driver's side of his vehicle struck Ms. Johnson, who had entered the roadway. The witness stated that Ms. Johnson was not in the crosswalk when she was struck by Mr. Peterson's vehicle. The witness said that the van then drove to the side of the road and stopped.

Mr. Peterson stated that he stopped at the intersection of Hemlock Rd. and Roanoke Blvd. Mr. Peterson said he saw Ms. Johnson and the witness standing near the edge of the roadway to his right. Mr. Peterson stated that when he turned right that the victim ran into the roadway in front of him, and that he attempted to avoid hitting her but was unable to do so. After the impact, Mr. Peterson pulled the van over to the side of the road and exited the vehicle.

Under Virginia law the mere happening of an accident does not give rise to an inference of reckless driving. Reckless driving requires disregard by the driver of a motor vehicle for the consequences of his acts, and indifference to the safety of life, limb or property of another. The evaluation of this incident depends on the manner and circumstances of the operation of the vehicle. In this incident, Mr. Peterson was making a right hand turn from Hemlock Rd. onto Roanoke Blvd. His turn signal was on, and the witness observed him stop or perform a rolling stop at the intersection and look toward Ms. Johnson's location. Mr. Peterson stated he stopped at the intersection and that he saw Ms. Johnson standing beside the road. Ms. Johnson then began crossing the street, but was not in the crosswalk. As Mr. Peterson made his right turn onto Roanoke Blvd., Ms. Johnson seemed to quicken her pace in an effort to get past the vehicle, but he was unable to avoid striking her. There is no evidence of excessive speed. An indictment charging Philip Henry Peterson with reckless driving was sent to the Salem Grand Jury on February 20, 2009. The Grand Jury did not return a true bill for reckless driving against Mr. Peterson.

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